

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
(BID PROTEST)**

SPACE EXPLORATION TECHNOLOGIES CORP.)	
)	
Plaintiff,)	Civil Action No. 14-354C
)	
v.)	Judge: Braden
)	
THE UNITED STATES,)	
)	
Defendant,)	
)	
and)	
)	
UNITED LAUNCH SERVICES, LLC,)	
)	
Defendant-Intervenor.)	
)	

PLAINTIFF’S NOTICE OF PRE-ADMINISTRATIVE RECORD CHRONOLOGY

Plaintiff Space Exploration Technologies Corp. (SpaceX) respectfully submits the attached pre-administrative record chronology related to allegations contained in its Amended Complaint.

During the Court’s initial conference on April 30, 2014, the Court requested an initial joint chronology “without any verbiage” from the parties so the Court could better understand the sequence of events relevant to Plaintiff’s Complaint. 4/30/14 Tr. 28:15-19. It was decided that Defendant would take the first cut at the chronology, and Defendant stated it would complete that task by the “end of the week.” *Id.* at 50:11-12, 61:15-21.

On May 8, 2014, Defendant submitted its proposed chronology to SpaceX. SpaceX in turn added additional entries, and, on May 17, 2014, provided Defendant with an updated draft. While SpaceX disagreed with many of Defendant’s characterizations of events and had no

knowledge of several other entries, SpaceX's updated chronology kept all of Defendant's proposed events and verbiage and merely added events that SpaceX considered important for the Court to understand the background and context for the protest.¹

Despite several inquiries, SpaceX received no response from Defendant on whether it would agree to file jointly SpaceX's updated joint chronology. On May 30, 2014, Defendant finally stated that it would not agree to the proposed joint chronology prior to the Court's next conference on June 9. But then on June 3, 2014, despite telling SpaceX it would not do so, Defendant provided its "final" version of the chronology to SpaceX. In its new version, Defendant struck without any explanation numerous events that SpaceX had inserted and considers relevant to this protest. Indeed, to date, Defendant has refused to explain its objections to SpaceX's entries; it certainly has not stated that it believes any of SpaceX's entries to be factually erroneous.

Nonetheless, based on its refusal to accept any of SpaceX's entries to the chronology, it is clear that Defendant does not intend to work toward a mutually agreeable chronology, and SpaceX is therefore compelled to submit the attached chronology independently. It is, however, a joint chronology in that it includes all of Defendant's proposed entries as well as SpaceX's, so that the Court may have a single document containing all of the parties' proposed events rather than two separate and competing chronologies. However, because the attached chronology contains events about which SpaceX has no knowledge and, in many cases, contains Defendant's misleading characterizations of documents, the chronology should not be considered a list of stipulated facts or admissions by any party. SpaceX will provide the Court with an accurate

¹ The following numbered paragraphs in this chronology were requested by Defendants: 21-23, 25, 27-29, 31-38, 42, 44-49, 51, 53-55, 58, 62, 64, 69-71, 73-75, 77-80, and 92.

statement of facts that reflects the documentation in the record with its motion for judgment on the administrative record.

DATED: June 4, 2014

Respectfully submitted,

s/ Richard J. Vacura
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff's Notice of Pre-Administrative Record Chronology was served on the parties this 4th day of June, 2014, via the Court's electronic filing system.

/s Richard J. Vacura
Richard J. Vacura